

United States District Court

Central District of Illinois

INSTRUCTIONS FOR FILING A CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

We enclose blank § 1983 complaint forms, marshals service forms, and a petition and affidavit for leave to proceed without prepayment of costs and fees. You must complete and submit all of these documents in order to open a new case.

While suits against federal officials are technically brought under 28 U.S.C. § 1331, the same basic rules apply to federal prisoners.

1. You must submit to the Court a signed, original complaint plus one copy of the complaint for each defendant. The original complaint may be handwritten; however, handwritten or retyped copies are not acceptable. You must provide carbon copies or photocopies of the complaint for service on the defendants. For example, if you sue two defendants, you must submit an original complaint and two copies. If you attach exhibits to the complaint, then you must also attach a complete set of copies of the exhibits to each copy of the complaint. Don't forget to keep a set of copies for yourself. PLEASE NOTE that in the Peoria and Rock Island Divisions of the Central District of Illinois, a litigant must provide the court with an original plus one copy of every document submitted for filing.
2. Please fill out the complaint and petition for leave to proceed without prepayment of costs and fees completely. If any portion of the complaint is not applicable to your lawsuit, write "N/A" in the appropriate space.
3. You must sign all pleadings. If there is more than one plaintiff, then each plaintiff must sign all pleadings submitted to the court. Pleadings need not be notarized. However, you are warned that any false statement of material fact in documents filed with the court may result in dismissal of your case and a possible fine or other civil or criminal penalties.
4. We provide a civil rights complaint form for your convenience. You need not use the court's form. Plaintiffs requiring extra space to state the facts of their case may attach additional pages. However, it is best to include only the basic, relevant facts: describe the events that you believe amounted to a violation of your constitutional rights, including dates, places, names. Legal arguments and references to statutes and case law are unnecessary at the pleading stage. Such arguments are appropriate later, for example in response to a motion to dismiss or for summary judgment.
5. The recently enacted Prison Litigation Reform Act requires prisoners to exhaust administrative remedies prior to filing suit. You should attach copies of any documents relating to prison grievances.

6. The statutory filing fee is \$150.00, to be paid when the complaint is filed. The plaintiff is responsible for serving the defendant(s).
6. If you cannot prepay the full filing fee and service costs at this time, you may petition the Court for leave to proceed without prepayment of costs and fees (in forma pauperis). You must complete and sign, under penalty of perjury and fine, the enclosed petition and financial affidavit. The document does not need to be notarized. The prison or jail must fill in the amount in your trust fund account and provide you with a copy of a six-month ledger of all withdrawals and deposits to your trust fund account. If you have been in more than one institution in the last six months, you must provide a ledger from each place of confinement. Each plaintiff must complete a petition and affidavit. Please note that the Prison Litigation Reform Act requires inmates to pay installments until the entire statutory filing fee is paid.
7. When opening a new lawsuit, you must include a completed marshals service form (green USM-285 form) for each named defendant. Fill out a separate form for each defendant, including the defendant's first and last name as well as an address where the U.S. Marshal can serve the defendant.
8. If, at any time, you ask the Clerk to send you information or copies of documents, you must provide the court with a stamped, self-addressed envelope. If this is not provided, your request cannot be honored. If you wish the Clerk to return a file-stamped copy of any document, you must provide an extra copy of the document. The Clerk cannot photocopy any documents for you unless fifty cents per page is submitted, in advance.
9. Each plaintiff must notify the court in writing of any change of address. Failure to notify the court of a change in your address could result in dismissal of your case.
10. When all of the forms are properly completed, mail them all together, in one envelope, to the appropriate Clerk of the court. (The assignment of cases among the Peoria, Springfield, Rock Island and Danville/Urbana Divisions is set forth in the court's local rules.
11. Documents not complying with these instructions and the Federal Rules of Civil Procedure may be rejected by the court. If you have any questions, please consult the court's local rules concerning pretrial procedures in prisoner cases. Copies are available in every Illinois prison facility. If you need further assistance, you may write to the Clerk. The Clerk cannot give legal advice or perform legal research for litigants, but may be able to help you with filing procedures.

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